

TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6A:16-1.1 Purpose
- 6A:16-1.2 Scope
- 6A:16-1.3 Definitions

SUBCHAPTER 2. GENERAL PROVISIONS FOR SCHOOL HEALTH SERVICES

- 6A:16-2.1 Health services policy and procedural requirements
- 6A:16-2.2 Required health services
- 6A:16-2.3 Health services personnel
- 6A:16-2.4 Required student health records
- 6A:16-2.5 School health services to nonpublic schools

SUBCHAPTER 3. COMPREHENSIVE ALCOHOL, TOBACCO, AND OTHER DRUG ABUSE PROGRAMS

- 6A:16-3.1 Establishment of comprehensive alcohol, tobacco, and other drug abuse programs
- 6A:16-3.2 Confidentiality of student alcohol and other drug information

SUBCHAPTER 4. PROCEDURES FOR ALCOHOL AND OTHER DRUG ABUSE INTERVENTION

- 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
- 6A:16-4.2 Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse
- 6A:16-4.3 Reporting, notification and examination procedures for students suspected of being under the influence of alcohol or other drugs
- 6A:16-4.4 Voluntary policy for random testing of student alcohol or other drug use

SUBCHAPTER 5. SCHOOL SAFETY AND SECURITY

- 6A:16-5.1 School safety and security plans
- 6A:16-5.2 School Violence Awareness Week
- 6A:16-5.3 Incident reporting of violence, vandalism and alcohol and other drug abuse
- 6A:16-5.4 Access to juvenile justice information
- 6A:16-5.5 Removal of students for firearms offenses
- 6A:16-5.6 Removal of students for assaults with weapons offenses
- 6A:16-5.7 Assaults on district board of education members or employees

SUBCHAPTER 6. LAW ENFORCEMENT OPERATIONS FOR ALCOHOL, OTHER DRUGS, WEAPONS AND SAFETY

- 6A:16-6.1 Adoption of policies and procedures
- 6A:16-6.2 Development and implementation of policies and procedures
- 6A:16-6.3 Reporting students or staff members to law enforcement authorities
- 6A:16-6.4 Handling of alcohol or other drugs, firearms and other items

6A:16-6.5 Confidentiality of student or staff member involvement in alcohol or other drug abuse intervention and treatment programs

SUBCHAPTER 7. STUDENT CONDUCT

6A:16-7.1 Code of student conduct

6A:16-7.2 Short-term suspensions

6A:16-7.3 Long-term suspensions

6A:16-7.4 Expulsion

6A:16-7.5 Conduct away from school grounds

6A:16-7.6 Attendance

6A:16-7.7 Harassment, intimidation, and bullying

6A:16-7.8 Student records and confidentiality

SUBCHAPTER 8. INTERVENTION AND REFERRAL SERVICES

6A:16-8.1 Establishment of intervention and referral services

6A:16-8.2 Functions of intervention and referral services

SUBCHAPTER 9. ALTERNATIVE EDUCATION PROGRAMS

6A:16-9.1 Establishment of alternative education programs

6A:16-9.2 Program criteria

6A:16-9.3 Student placements

SUBCHAPTER 10. HOME OR OUT-OF-SCHOOL INSTRUCTION

6A:16-10.1 Home or out-of-school instruction due to a temporary or chronic health condition

6A:16-10.2 Home or out-of-school instruction for a general education student for reasons other than a temporary or chronic health condition

SUBCHAPTER 11. REPORTING POTENTIALLY MISSING, ABUSED, OR NEGLECTED CHILDREN

6A:16-11.1 Adoption of policies and procedures

SUBCHAPTER 3. COMPREHENSIVE ALCOHOL, TOBACCO, AND OTHER DRUG ABUSE PROGRAMS

6A:16-3.1 Establishment of comprehensive alcohol, tobacco, and other drug abuse programs

- (a) Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for student alcohol, tobacco, and other drug abuse in the school district's public elementary and secondary schools, in accordance with N.J.S.A. 18A:40A-3, 10, and 15.
1. The purpose of the prevention component of the program shall be to:
 - i. Keep students from using alcohol, tobacco or other drugs;
 - ii. Reduce or eliminate the incidence and prevalence of student alcohol, tobacco and other drug abuse;
 - iii. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;
 - iv. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;
 - v. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and
 - vi. Actively involve staff, students, parents, and other community members in the development and implementation of prevention program plans.
 2. The purpose of the intervention, referral for evaluation, and referral for treatment components of the program shall be to:
 - i. Identify students who are at risk for, or who have exhibited, alcohol, tobacco or other drug abuse or related problems;
 - ii. Help students or their parents who have requested assistance for alcohol, tobacco or other drug abuse problems;
 - iii. Make a preliminary assessment of a student's need for educational programs, supportive services or treatment that extends beyond the general school program by virtue of the use of alcohol, tobacco, or other drugs by the student or the student's parents;
 - iv. Refer students for evaluation to make a positive determination regarding a student's need for alcohol, tobacco, or other drug treatment;
 - v. Help a student or a student's parents follow through on the recommendations resulting from an evaluation that has positively determined the harmful use of alcohol, tobacco, or other drugs by the student or the student's parents; and

vi. vi. Assist a student or a student's parents with a referral for treatment.

3. The purpose of the continuity of care component of the program shall be to:

- i. Assist with the provision of educational programs and services for students in treatment; and
- ii. Plan and provide supportive services for students who are returning from treatment.

4. Each district board of education shall ensure that all educational staff members receive in-service training in alcohol, tobacco, and other drug abuse prevention and intervention, in accordance with N.J.S.A. 18A:40A-3 and 15.

- i. The in-service training shall be updated annually to ensure educational staff members have the most current information available on the subject of substance abuse and on the school district's comprehensive alcohol, tobacco, and other drug abuse program, policies, and procedures.

5. Student assistance coordinators employed by district boards of education shall assist school districts in the effective implementation of N.J.S.A. 18A:40A-1 through 18 and N.J.A.C. 6A:9B-12.2.

6. When a student assistance coordinator is not employed or contracted by a district board of education, the board shall assign school staff with appropriate educational services certificates to perform the student assistance coordinator functions, pursuant to N.J.S.A. 18A:40A-18.c and (a)5 above, and to assist in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 17.

- i. The district board of education shall maintain documentation of school staff with appropriate educational services certificates who will perform the student assistance coordinator functions.

7. Each district board of education shall establish educational programs on alcohol, tobacco, and other drug abuse for parents, pursuant to N.J.S.A. 18A:40A-16 and 17(a), and offered at times and places convenient to the parents of enrolled students.

8. Each district board of education shall make and enforce rules to prohibit any person from smoking or carrying lighted tobacco at any time on school grounds or on school buses or other vehicles owned or contracted by the board of education, pursuant to P.L. 2009, c. 182, P.L. 2005, c. 383, N.J.A.C. 13:28-6.14, and N.J.A.C. 8:6.

6A:16-3.2 Confidentiality of student alcohol and other drug information

(a) Each district board of education shall assure compliance with the following confidentiality requirements consistent with the implementation of 20 U.S.C. § 1232g, the Family Education Rights and Privacy Act, and 34 CFR Part 99:

1. Confidentiality of alcohol and drug abuse patient records, pursuant to 42 CFR Part 2; and

2. Confidentiality of information provided by an elementary or secondary school student while participating in a school-based drug and alcohol counseling program that indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2.

SUBCHAPTER 4. PROCEDURES FOR ALCOHOL AND OTHER DRUG ABUSE INTERVENTION

6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse

- (a) Each district board of education shall adopt and implement policies and procedures for the assessment, intervention, referral for evaluation, referral for treatment, and enforcement of the code of student conduct, pursuant to N.J.A.C. 6A:16-7, for students whose use of alcohol or other drugs has affected their school performance, or for students who consume or who are suspected of being under the influence of or who possess or distribute the following substances on school grounds pursuant to N.J.S.A. 18A:40A-9, 10, and 11:
 1. Alcoholic beverages;
 2. Any controlled dangerous substance, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and 2C:35-2;
 3. Any chemical or chemical compound that releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in N.J.S.A. 2C:35-10.4; and
 4. Over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
- (b) In adopting and implementing policies and procedures for assessment, intervention, referral for evaluation, and referral for treatment of alcohol or other drug-affected students, district boards of education shall consult with a local organization licensed by the New Jersey Department of Human Services, and may consult with out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners certified by the appropriate drug and alcohol licensing board, as appropriate, pursuant to N.J.S.A. 18A:40A-11.33
- (c) Each district board of education's policies for students using, possessing, or distributing alcohol and other drugs, as defined in (a) above, shall include the following components:
 1. The role of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving students on school grounds;
 2. Specific procedures, sanctions and due process provisions, consistent with N.J.A.C. 6A:16-4.4 and 7, as appropriate, for violations of the alcohol and other drug policy requiring action by the district board of education to apply the code of student conduct pursuant to N.J.A.C. 6A:16-7,

including consequences for not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors;

3. Appropriate steps for ameliorating student problems related to alcohol and other drug use;
4. Appropriate steps for providing support for student transitions to and from health and social service agencies;
5. Specific procedures to govern instances where emergency room services are required in treating alcohol- or other drug-affected students;
6. Assessment or evaluation services for students who are affected by alcohol or other drug use. The services shall include one or more of the following:
 - i. Assessments by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse;
 - ii. Examinations by a physician for the purpose of determining whether alcohol or other drug use interferes with students' physical and mental abilities to perform in school or students are under the influence of alcohol or other drugs;
 - iii. Referrals for evaluation to community agencies, as defined in (b) above, out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners certified by the appropriate alcohol or other drug licensing board; or
 - iv. Evaluations by the child study team to determine students' eligibility for special education and related services, pursuant to N.J.A.C. 6A:14-3.5 and 3.6;
7. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.
 - i. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.
 - ii. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:

- (1) Provisions for a program of instruction, counseling, and related services provided by the district board of education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;
 - (2) Referral to a community agency, as defined in (b) above , out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;
 - (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
 - (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems;
8. Provisions for assisting parents who believe their child might be involved with alcohol or other drug use, in accordance with N.J.S.A. 18A:40A-17(b);
 9. Provisions, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i and 6.3(a)4, for when to contact law enforcement officials to disclose the identities of students reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids.
 - i. Pursuant to N.J.A.C. 6A:16-4.3(a)3 and (b)3 and 6.3(a)4, the chief school administrator or designee may disclose to law enforcement authorities the identities of students suspected of being under the influence of alcohol or other drugs; and
 10. Provisions for reporting to and cooperating with law enforcement authorities, pursuant to N.J.A.C. 6A:16-6, for the unlawful possession, distribution, and disposition of substances, as set forth in this section and N.J.A.C. 6A:16-6.1(a)1.

6A:16-4.2 Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse

- (a) Each district board of education shall establish a process for the annual review of the effectiveness of its policies and procedures regarding student alcohol and other drug abuse. The district board of education may solicit parent, student, and community input, as well as consult in the review process with local alcohol and other drug abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Human Services.
- (b) Each district board of education shall annually disseminate to all school staff, students and parents through its website or other means its adopted policies and procedures for implementing N.J.A.C. 6A:16-4.

6A:16-4.3 Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs

- (a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:
1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified school nurse, noncertified nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.37
 - i. In instances where the principal and either the certified school nurse, non-certified nurse, school physician, or student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.
 2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:
 - i. Immediately notify the parent and the chief school administrator or his or her designee; and
 - ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.
 3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.
 - i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
 4. The medical examination, pursuant to (a)2ii above, shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.
 - i. The school district, in cooperation with medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical examination.
 - ii. The examination shall be at the expense of the parent and not the district board of education.
 5. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.

- i. If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the principal to the emergency room of the nearest hospital for examination.
 - ii. The student's parent, if available, also shall accompany the student.
 - iii. When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district board of education.
6. Each district board of education shall have a plan in place for the appropriate supervision of the student:
 - i. While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or a physician in an emergency room; and
 - ii. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.
7. A written report of the medical examination shall be furnished to the student's parent, the principal, and the chief school administrator by the examining physician within 24 hours of the referral of the student for suspected alcohol or other drug use.
 - i. The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report.
 - ii. The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
8. When the medical examination is performed by a physician other than the school physician or a physician at the emergency room of the nearest hospital, the school district shall require the parent to verify within 24 hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with (a)7i above.
 - i. The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in (a)7 above will be provided.
 - ii. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with (d) below.
9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive

determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.

10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.
11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
 - i. The student shall be returned as soon as possible to the care of a parent;
 - ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;
 - (1) The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school; and
 - iii. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.
12. While the student is at home because of the medical examination or after the student returns to school, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall:
 - i. Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.
 - (1) The findings of the assessment alone shall not be used to prevent a student from attending school; and
 - ii. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for alcohol or other drug abuse treatment.
13. While the student is at home because of the medical examination or after his or her return to school, the principal or chief school administrator may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals

to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

- i. The findings of additional evaluations alone shall not be used to prevent a student from attending school.
14. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.
 15. The district board of education may provide additional intervention and referral services for the student according to N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.
- (b) In instances involving the suspected use of anabolic steroids, the following shall apply according to N.J.S.A. 18A:40A-12(b):
1. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified or non-certified school nurse, school physician, or student assistance coordinator.
 2. In response to a report of suspected anabolic steroid use pursuant to (b)1 above, including instances when a report is made to law enforcement, the principal or his or her designee shall immediately notify the parent and the chief school administrator and shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
 - i. If the physician chosen by the parent is not available to perform the examination, it shall be conducted by the school physician or other physician identified by the principal.
 - ii. The student shall be examined as soon as possible for the purpose of determining whether he or she has been using anabolic steroids.
 3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids, pursuant to (b)1 above.
 - i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related

paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

4. The examining physician shall provide to the parent, principal, and chief school administrator a written report of the examination.
 5. If it is determined the student has used anabolic steroids, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.
 - i. To make this determination, school staff members identified in (b)5 above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.
 6. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies, as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.
- (c) Any educational or non-educational district board of education employee who in good faith reports to the principal or his or her designee a student in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making a report, as specified in N.J.S.A. 18A:40A-13 and 14.
- (d) Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.
- (e) Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.

6A:16-4.4 Voluntary policy for random testing of student alcohol or other drug use

(a) Each district board of education that chooses to adopt policies and procedures for the random testing of students, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 2C:35-2 and 24:21-2, or alcoholic beverages, as defined in N.J.S.A. 33:1-1, shall:

1. Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures.
 - i. The notice of the public hearing shall specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item; and⁴⁵
 - ii. Copies of the proposed alcohol or other drug testing policies and procedures shall be made available upon request prior to the public hearing;
2. Apply the alcohol or other drug testing policies and procedures only to students in grades nine through 12 who participate in extra-curricular activities, including interscholastic athletics, or who possess parking permits;
3. Be responsible for all costs of the alcohol or other drug testing, including any costs associated with the transportation of students;
4. Ensure that the voluntary alcohol or other drug testing conducted pursuant to this section is separate and distinct from any other alcohol or other drug testing that might be administered by the district board of education, including the required medical examination of students currently suspected of being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3;
5. Ensure that the policies and procedures for the alcohol or other drug testing program, pursuant to (b) below, are included in and are consistent with the policies and procedures for the intervention of student alcohol or other drug abuse, pursuant to N.J.S.A. 18A:40A-10 and 11 and N.J.A.C. 6A:16-4.1; and
6. Provide written notice to all ninth-through-12th-grade students and their parents at the beginning of each school year that the active written consent of students and parents for random student alcohol or other drug testing is required for students to participate in extracurricular activities, including interscholastic athletics, or to possess a school parking permit.

(b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:⁴⁶

1. A statement that the purposes of the alcohol and other drug testing policies are to deter alcohol and other drug use and to provide a means for the early detection of students with alcohol or other drug problems so referral for evaluation or referral for treatment, pursuant to (b)¹⁰ below and N.J.A.C. 6A:16-1.3 and 4.1, or other appropriate assistance may be offered;

2. A description of the procedures for randomly selecting students for alcohol or other drug testing, which shall include, at a minimum:
 - i. The manner in which students shall be randomly selected for alcohol or other drug testing;
 - ii. An explanation of the sampling statistical principles supporting the random selection process; and
 - iii. An explanation of how implementation of the random selection process shall be documented and verified;
3. A description of the procedures for the acquisition and management of student's alcohol or other drug test specimens, which shall address the following, at a minimum and as appropriate to the method selected under (c) below:
 - i. Student monitoring;
 - ii. Student transportation;
 - iii. The acquisition and handling of students' specimens;
 - iv. The chain of custody of students' specimens;
 - v. The testing and analysis of students' specimens; and
 - vi. The storage of students' specimens;
4. The standards for ensuring confidentiality and scope of authorized disclosure of alcohol or other drug testing information that protect, at a minimum:
 - i. The identities of students who have been selected to be tested or who have been tested;⁴⁷
 - ii. The results of alcohol or other drug tests;
 - iii. The billing and management reports associated with alcohol or other drug tests; and
 - iv. Information, prior to the time of an alcohol or other drug test, that a test is to take place;
5. A description of the consequences for violating confidentiality and disclosure standards, pursuant to (b)⁴ above;
6. The parent providing consent to alcohol or other drug testing, pursuant to (a)⁶ above, shall be notified each time his or her child has been tested under the alcohol or other drug testing policy, pursuant to this section.
 - i. The school district shall establish procedures ensuring confidentiality of the notification;
7. The procedures for reporting results of alcohol or other drug tests, including written notification to students and their parents concerning test findings, that are consistent with (b)⁴ above.

- i. Law enforcement authorities shall not be notified of test results;
8. The specific actions pursuant to N.J.A.C. 6A:16-7.1, as appropriate, N.J.A.C. 6A:16-4.1, and this section to be taken against students who test positive for alcohol or other drug use.
 - i. Actions to be taken against students who test positive for alcohol or other drug use shall be limited to:
 - (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or
 - (2) Disapproval or revocation of student parking permits.
 - ii. Prior to actions being taken pursuant to (b)8i (1) or (2) above, all positive alcohol or other drug test results shall be confirmed by the laboratory using a methodology recommended by the laboratory instrument's manufacturer;
 9. The procedures for students or their parents to challenge a positive result from the alcohol or other drug tests;
 10. The guidelines for referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-1.3 and 4.1 and this section, or the provision of other appropriate assistance for students who test positive for alcohol or other drug use; and
 11. The specific actions, pursuant to N.J.A.C. 6A:16-7.1, to be taken against students who refuse to consent to alcohol or other drug testing.
 - i. Actions to be taken against students who refuse to consent to alcohol or other drug testing shall be limited to:
 - (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or
 - (2) Disapproval or revocation of student parking permits.
- (c) Each district board of education shall provide for the collection and testing of alcohol or other drug specimens by implementing one of the following methods, in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45:
1. Transporting randomly selected students, pursuant to (b)2 and 3ii above, to a State-licensed clinical laboratory to perform specimen collection and alcohol or other drug testing;
 2. Choosing a State-licensed clinical laboratory to operate an onsite licensed collection station and to transport the specimens to the offsite licensed laboratory for alcohol or other drug testing;
 3. Choosing to obtain a State license to operate the school district's own collection station for the collection of specimens, pursuant to (a)3 above, as appropriate, and (b)3 and 4 above, and

contract with a licensed clinical laboratory for transportation and alcohol or other drug testing of the specimens;

4. Choosing to obtain a State license to operate a clinical laboratory for onsite collection and alcohol or other drug testing of specimens; or
 5. Choosing to contract with a State-licensed clinical laboratory to provide for both the onsite collection and alcohol or other drug testing of specimens.
- (d) The district board of education shall limit the collection of specimens for alcohol or other drug testing in a State-licensed collection station or clinical laboratory, in accordance with N.J.S.A. 45:9-42.26 et seq., N.J.A.C. 8:44 and 8:45, and (c)1 above to the following persons:
1. A school physician;
 2. A physician, other than the school physician, licensed to practice medicine or osteopathy other than the school physician;
 3. A certified school nurse or noncertified nurse, pursuant to N.J.A.C. 6A:9B-12.3 and 12.4; or
 4. The staff of a State-licensed clinical laboratory or health care facility, in accordance with (c) above, as designated by the district board of education.